

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS)
EQUIPMENT LLC,)
Plaintiff,) Case No. 6:13-cv-584-LED
v.) JURY TRIAL DEMANDED
NEC CASIO MOBILE COMMUNICATIONS,)
LTD., *et al.*,)
Defendants.)

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE
AS TO DEFENDANT VERIZON COMMUNICATIONS INC.**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants Verizon Communications Inc. (“VCI”) and Cellco Partnership d/b/a Verizon Wireless¹ (“Verizon Wireless”) submit the following Stipulation of Dismissal Without Prejudice as to Defendant VCI and in support thereof state:

1. On June 25, 2013, August 2, 2013, and August 7, 2013, Plaintiff CCE filed suit against VCI, Verizon Wireless, and others for infringement of U.S. Patent No. 7,215,962; U.S. Patent No. 8,055,820; and U.S. Patent No. 7,218,923 (collectively the “patents-in-suit”).
2. VCI represents and warrants that:
 - a. VCI is a holding company that has no employees, sales representatives, or distributors. Furthermore, VCI does not instruct, direct, or control the

¹Cellular Communications Equipment LLC’s Original Complaint misidentifies Cellco Partnership d/b/a Verizon Wireless as Cellco Partnership Inc. d/b/a Verizon Wireless.

activities of its subsidiaries (or any other entity) relevant to (i) the operation or design of any cellular telephone communications network; or (ii) the operation or design of wireless device features and functionality.

- b. VCI and Verizon Wireless agree that for purposes of discovery in this case, documents and information in the possession, custody or control of VCI or any of its subsidiaries are deemed also to be in the possession, custody and control of Verizon Wireless. Verizon Wireless will not object to a request for deposition on the grounds that the prospective deponent is an employee of VCI or any of its subsidiaries (though nothing in this stipulation prevents Verizon Wireless from objecting to a deposition on other grounds).
 - c. Verizon Wireless is the proper party to defend against allegations made in this patent infringement lawsuit. Furthermore, Verizon Wireless or any assignee of Verizon Wireless is able to satisfy any judgment against it in this case. VCI and Verizon Wireless each warrant and represent that they will not take any action that will cause Verizon Wireless to be unable to fully satisfy any judgment entered in this case.
3. CCE expressly does not stipulate or agree to any of the foregoing facts and reserves its right to dispute any of the foregoing factual representations with evidence to the contrary.
 4. In reliance upon the representations and warranties made in paragraphs 2(a) – 2(c) above, CCE agrees to dismiss VCI without prejudice as allowed under Rule 41(a)(2) of the Federal Rules of Civil Procedure.

5. CCE has not released, and nothing in this Stipulation should be construed as a release or discharge of, any claim CCE has or may have in the future against any defendant named in this action or any other asserted infringer of the patents-in-suit.

All other rights have been expressly reserved.

Accordingly, CCE, VCI, and Verizon Wireless request that the Court enter the attached order dismissing VCI without prejudice.

Dated: October 14, 2013

Respectfully submitted,

<p><i>/s/ Edward R. Nelson, III</i></p> <p>Edward R. Nelson, III enelson@nbclaw.net Texas State Bar No. 00797142 Brent N. Bumgardner bbumgarnder@nbclaw.net Texas State Bar No. 00795272 Barry J. Bumgardner barry@nbclaw.net Texas State Bar No. 00793424 S. Brannon Latimer blatimer@nbclaw.net Texas State Bar No. 24060137 Thomas C. Cecil tcecil@nbclaw.net Texas State Bar No. 24069489 Michael J. Fagan, Jr. mfagan@nbclaw.net Louisiana State Bar No. 33821 NELSON BUMGARDNER CASTO, P.C. 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107 Phone: (817) 377-9111 Fax: (817) 377-3485 T. John Ward, Jr. Texas State Bar No. 00794818 J. Wesley Hill Texas State Bar No. 24032294</p>	<p><i>/s/ Michael E. Jones</i></p> <p>Michael E. Jones State Bar No. 10929400 Patrick C. Clutter, IV State Bar No. 24036374 mikejones@potterminton.com patrickclutter@potterminton.com POTTER MINTON, P.C. 110 N. College Ave., Suite 500 Tyler, Texas 75702 Tel: (903) 597-8311 Fax: (903) 593-0846 Charles B. Molster, III Virginia State Bar No. 23613 Thomas M. Dunham D.C. Bar No. 448407 cmolster@winston.com tdunham@winston.com WINSTON & STRAWN LLP 1700 K Street, N.W. Washington, D.C. 20006-3817 Tel: (202) 282-5000 Fax: (202) 282-5100 <i>Attorneys for Verizon Communications Inc. and Cellco Partnership d/b/a/ Verizon Wireless</i></p>
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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), I certify that the parties have met and conferred and that this stipulated dismissal without prejudice is unopposed.

/s/ Edward R. Nelson, III
Edward R. Nelson, III

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of October, 2013, I electronically filed the foregoing document with the clerk of the Court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the Court's electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Edward R. Nelson, III
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